

Court of Appeals, State of Michigan

ORDER

ANTHONY CHRISTIAN PERRELLI v SECRETARY OF STATE

Docket No. 260424

LC No. 04-060990-AL

HILDA R. GAGE
Presiding Judge

MARK J. CAVANAGH

HENRY WILLIAM SAAD
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court further orders that the January 4, 2005 order of the Oakland Circuit Court is REVERSED. Petitioner is not entitled to reversal of the Driver's License Appeal Division's (DLAD) September 28, 2004 decision reinstating the revocation of petitioner's driver's license on the basis of a violation of due process where petitioner claimed inadequate notice of the DLAD hearing and the hearing officer offered to adjourn the proceeding to allow petitioner additional time to prepare. See *Lewis v LeGrow*, 258 Mich App 175, 210; 670 NW2d 675 (2003) (reversible error may not be predicated on error to which the appellant contributed by plan or negligence).

This matter is REMANDED to the DLAD for reinstatement of its September 28, 2004 decision.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 29 2005

Date

Sandra Schultz Mengel
Chief Clerk